

REDACTED

From: Foti, Catherine M. <CFoti@maglaw.com>
Sent: Sunday, November 15, 2020 12:51 PM
To: Michael J. Willemin
Cc: Douglas Wigdor; McKenna, Kathleen M.; Chinn, Lloyd B.; Abramowitz, Elkan; Chalke, Douglas; Jayne Weintraub (jweintraub@saleweintraub.com); Jon Sale; Renan F. Varghese
Subject: RE: Eckhart v. Fox, et al.

Michael,

I would not have been able to agree with the condition you set out below in any case, but the situation has now changed. We have read today's reports in the Daily Beast which clearly indicate that the allegations in your Third Amended Complaint concerning Jane Does 1 and 3 are false and that Jane Doe 1 has informed you they are false. I now am writing to ask that you withdraw your Third Amended Complaint. Please let me know by 6 pm this evening if you will agree to do so.

Cathy

Catherine M. Foti

Partner
Morvillo Abramowitz Grand Iason & Anello PC
565 Fifth Avenue
New York, NY 10017
212-880-9530 (Direct)
212-856-9494 (Fax)
CFoti@maglaw.com
www.maglaw.com

Morvillo Abramowitz
Grand Iason & Anello PC

From: Michael J. Willemin
Sent: Sunday, November 15, 2020 12:40 PM
To: Foti, Catherine M.
Cc: Douglas Wigdor ; McKenna, Kathleen M. ; Chinn, Lloyd B. ; Abramowitz, Elkan ; Chalke, Douglas ; Jayne Weintraub (jweintraub@saleweintraub.com) ; Jon Sale ; Renan F. Varghese
Subject: RE: Eckhart v. Fox, et al.

I assume the plan is to provide Mr. Henry with the names? What I am concerned about is him trying to contact them. If there is agreement that they will not be contacted prior to the opening of discovery then I am okay with this proposal.

Michael J. Willemin
Partner

WIGDOR LLP
85 Fifth Avenue, New York, NY 10003
T: (212) 257-6800 | F: (212) 257-6845

mwillemin@wigdorlaw.com

www.wigdorlaw.com



This communication may contain Confidential or Attorney-Client Privileged Information and/or Attorney Work Product. If you are not the addressee indicated in this message or its intended recipient (or responsible for delivery of the message to such person(s)), do not read, copy, or forward this message to anyone and, in such case, please immediately destroy or delete this message, including any copies hereof, and kindly notify the sender by reply e-mail, facsimile or phone. Thank you.

From: Foti, Catherine M. <CFoti@maglaw.com>

Sent: Friday, November 13, 2020 4:58 PM

To: Michael J. Willemín <mwillemin@wigdorlaw.com>

Cc: Douglas Wigdor <dwigdor@wigdorlaw.com>; McKenna, Kathleen M. <KMckenna@proskauer.com>; Chinn, Lloyd B. <LChinn@proskauer.com>; Abramowitz, Elkan <EAbrahamowitz@maglaw.com>; Chalke, Douglas <dchalke@maglaw.com>; Jayne Weintraub <jweintraub@saleweintraub.com> <jweintraub@saleweintraub.com>; Jon Sale <jsale@saleweintraub.com>; Renan F. Varghese <RVarghese@wigdorlaw.com>

Subject: RE: Eckhart v. Fox, et al.

Hi Michael,

The authority concerning proceeding by pseudonym involves plaintiffs but the concept that it is difficult to respond to allegations or mount a defense when you do not know the identity of the plaintiff, extends as well to the identity of individuals included in the complaint, especially if these individuals are alleged to have had some type of relationship with our client. *See Doe v. Del Rio*, 241 F.R.D. 154,157 (S.D.N.Y. 2006). We would be willing to enter into an agreement to maintain those names as confidential between the attorneys until such time as the parties enter into a formal protective order and then the identities can be subject to the protections of that order. Please let me know if this proposal is acceptable.

As for the motion schedule, January 6 for your opposition is fine with us. We then would ask for a reply date of January 22. Is that agreeable with you?

Kathleen, would this schedule be agreeable to Fox?

Cathy

Catherine M. Foti

Partner

Morvillo Abramowitz Grand Iason & Anello PC

565 Fifth Avenue

New York, NY 10017

212-880-9530 (Direct)

212-856-9494 (Fax)

CFoti@maglaw.com

www.maglaw.com

Morvillo Abramowitz
Grand Jason & Anello PC

From: Michael J. Willemin <mwillemin@wigdorlaw.com>

Sent: Friday, November 13, 2020 1:47 PM

To: Foti, Catherine M. <CFoti@maglaw.com>

Cc: Douglas Wigdor <dwigdor@wigdorlaw.com>; McKenna, Kathleen M. <KMckenna@proskauer.com>; Chinn, Lloyd B. <LChinn@proskauer.com>; Abramowitz, Elkan <EAbrahamowitz@maglaw.com>; Chalke, Douglas <dchalke@maglaw.com>; Jayne Weintraub (jweintraub@saleweintraub.com) <jweintraub@saleweintraub.com>; Jon Sale <jsale@saleweintraub.com>; Renan F. Varghese <RVarghese@wigdorlaw.com>

Subject: RE: Eckhart v. Fox, et al.

We do not consent to filing consecutive motions. As is ordinary, you should file the motion to dismiss/strike together as one motion. We do consent to the filing date, though we would ask for an opposition deadline of January 6, 2021. As for the Jane Does, do you have any authority for your pre-discovery request for that information? I am not necessarily opposed to it, but we could only do that pursuant to a stipulation that protects the identities of these women from the public and ensures that they are not subjected to further harassment. Please copy Renan on all emails.

Michael J. Willemin

Partner

WIGDOR LLP

85 Fifth Avenue, New York, NY 10003

T: (212) 257-6800 | F: (212) 257-6845

mwillemin@wigdorlaw.com

www.wigdorlaw.com



This communication may contain Confidential or Attorney-Client Privileged Information and/or Attorney Work Product. If you are not the addressee indicated in this message or its intended recipient (or responsible for delivery of the message to such person(s)), do not read, copy, or forward this message to anyone and, in such case, please immediately destroy or delete this message, including any copies hereof, and kindly notify the sender by reply e-mail, facsimile or phone. Thank you.

From: Foti, Catherine M. <CFoti@maglaw.com>

Sent: Friday, November 13, 2020 1:02 PM

To: Michael J. Willemin <mwillemin@wigdorlaw.com>

Cc: Douglas Wigdor <dwigdor@wigdorlaw.com>; McKenna, Kathleen M. <KMckenna@proskauer.com>; Chinn, Lloyd B. <LChinn@proskauer.com>; Abramowitz, Elkan <EAbrahamowitz@maglaw.com>; Chalke, Douglas <dchalke@maglaw.com>; Jayne Weintraub (jweintraub@saleweintraub.com) <jweintraub@saleweintraub.com>; Jon Sale <jsale@saleweintraub.com>

Subject: Eckhart v. Fox, et al.

Michael,

We intend to write the Court today on behalf of Mr. Henry and ask for permission to allow us to file a motion to strike the tremendous amount of surplusage, unsupported hyperbole and scandalous allegations in your third amended complaint. We will be seeking permission for the Court to hold the filing of the motion to dismiss in abeyance and ask the Court to render a decision on the motion to strike so that we can frame a motion to dismiss dealing only with the allegations the Court determines are appropriately included in the amended complaint. We also will be seeking the names of the Jane Does you included in the complaint so that Mr. Henry can actually understand and respond to those allegations and determine if they have any basis for inclusion. Please let me know if you will consent to this request.

In addition, please let me know if you consent to a two week extension to file the motion to strike and/or motion to dismiss. Under that schedule we would propose that the motion (or motions – if the Court orders that the motion to dismiss go forward) be filed on Dec. 7, your opposition on Dec. 28 (although we recognize you may want to move this because of the holidays) and our reply on January 11, 2020.

Thank you.

Cathy

Catherine M. Foti

Partner

Morvillo Abramowitz Grand Iason & Anello PC

565 Fifth Avenue

New York, NY 10017

212-880-9530 (Direct)

212-856-9494 (Fax)

CFoti@maglaw.com

www.maglaw.com

Morvillo Abramowitz
Grand Iason & Anello PC

NOTICE: This communication may contain information that is legally privileged, confidential or exempt from disclosure. If you are not the intended recipient, please note that any dissemination, distribution, or copying of this communication is strictly prohibited. Anyone who receives this message in error should notify the sender immediately by telephone or by return e-mail and delete it from their computer.